

REMARKS

Claims 19-38 are pending in this application. In the Office Action, claims 19-31 are rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter; claims 32-37 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the invention; claims 19-20, 22, 24-31, and 32-37 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,933,816 (Zeanah et al.) in view of U.S. Patent No. 5,095,421 (Freund); and claims 21, 23, and 38 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zeanah et al. in view of Freund, and further in view of the text book "Database System Concepts" (Korth et al.).

By this amendment, Applicants have amended claims 19, 32, and 38. Reconsideration in view of the following remarks is respectfully requested.

I. REJECTION OF CLAIMS 19-31 UNDER 35 U.S.C. § 101

Claims 19-31 are rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Office alleges that claim 19 comprises a disembodied data structure claim. In response, Applicant has amended claim 19 to include the language suggested by the Examiner. As a result, Applicant respectfully requests withdrawal of this rejection.

II. REJECTION OF CLAIMS 32-37 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 32-37 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the invention. In particular, the Office alleges that

the phrase "each computer" in claim 32 renders the claim indefinite. In response, Applicant has amended the claim to change "computer" to more particularly refer to the "at least one computer" language that appears in line four of the claim. The purpose of the set of system processing functions is to isolate the business platform from the particular computing environment on which it is implemented. For example, as shown in FIG. 8, the "System Service Call" acts as an intermediary between "CCB Main" of the business platform and the various "Platforms" (computing environments). As a result, Applicant respectfully requests withdrawal of this rejection.

III. REJECTION OF CLAIMS 19-20, 22, 24-31, AND 32-37 UNDER 35 U.S.C. § 103(a)

In the Office Action, claims 19-20, 22, 24-31, and 32-37 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zeanah et al. in view of Freund. The test for obviousness is what the combined teachings of the prior art would have suggested to one of ordinary skill in the art. See, for example, *In re Keller*, 642 F.2d 413, 425, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). The MPEP requires that three basic criteria be met to establish a *prima facie* case for obviousness. See MPEP § 2143, p. 2100-124. First, the art must provide some motivation or suggestion for the invention. Second, there must be a reasonable expectation of success. Third, the references must teach or suggest all the claim limitations. Because Zeanah et al. and Freund fail to suggest all of the claim limitations, Applicant respectfully requests withdrawal of this rejection.

A. APPLICATION TRANSACTIONS AND KNOWLEDGE BLOCKS

With regard to claims 19, 32, and 38, Applicant respectfully submits that Zeanah et al. in view of Freund fails to suggest the set of application transactions and/or knowledge blocks of the claimed invention. In particular, the references fail to suggest an application transaction that “can process a unique banking transaction and can undo the unique banking transaction after the unique banking transaction has been mistakenly processed.” The Office admits that Zeanah et al. “does not disclose to undo the banking transaction.” However, the Office relies on Freund to allegedly show this feature.

Initially, Applicant notes that Freund is unrelated to banking transactions. Freund addresses the simultaneous processing of a multitude of databases. As a result, Freund cannot disclose an application transaction that can both process and undo a unique banking transaction. Even if, *arguendo*, Freund is related to the present invention, Freund fails to disclose any set of transactions or the like, in which each transaction both processes and undoes a unique transaction. Still further, while Freund discusses undoing unsuccessful database operations and redoing successful database operations, this discussion in no way suggests that the ability to process and undo a banking transaction that has been mistakenly processed be included in an application transaction. This capability is unique to the claimed invention, and beneficially includes in a single module the necessary functions for processing a transaction and undoing its effects should it be determined that it has been mistakenly processed.

Freund “provides a recovery protocol which insures that the state of a resource is preserved in the event of any failure.” Col. 2, lines 21-23. In order to do this, Freund provides a recovery checkpoint at which time “all changes are placed (forced) into stable storage.” Col. 7,

lines 6-10. Should recovery be required, the system recovery protocol references logged information to "restore the results of the committed transactions and to undo the effects of aborted, or incomplete transaction." Col. 6, lines 57-61. In other words, the recovery returns to the most recent checkpoint. For each transaction that was successfully completed, it redoes the transaction, while for each transaction that was incomplete or aborted it undoes the partial effects that they may have created. In sharp contrast, the claimed invention includes the ability to undo a banking transaction that has been mistakenly processed. The discussion in Freund does not suggest this feature, let alone combining the undo functionality in a module that also processes the transaction. As a result, Zeanah et al. and Freund fail to disclose this feature of the claimed invention.

B. MAIN MODULE

With further regard to claims 19, 32, and 38, Applicant respectfully submits that Zeanah et al. fails to suggest the main module of the claimed invention. The Office alleges that the session controller component of Zeanah et al. "corresponds to the main module" of the claimed invention. In particular, the Office alleges that the "session controller component... initiates application transactions based upon a banking transaction." The Office cites col. 4, lines 14-34, and col. 18, line 39 through col. 20, line 27 of Zeanah et al. as allegedly disclosing this feature.

In Zeanah et al., "[w]hen a new customer contacts the delivery system 12, the session controller component 131 starts a session by instantiating a session bubble for a session." Col. 18, lines 44-45. As discussed in more detail with reference to FIGS. 3A-3C and 4A-4C, in step E4 (shown in FIGS. 3A and 4A), "the session controller instantiates session component 132."

The session component 132 then instantiates the remaining components of the session. Col. 19, line 37 through col. 20, line 27. Consequently, the only component instantiated by the session controller 131 of Zeanah et al. is the session component 132. This is done in response to a customer contacting the delivery system, and not “based on a banking transaction.” The session controller then “maintains a registry of all active sessions” and “also terminates a session when a customer abnormally breaks the connection.”

In sharp contrast, the main module of the claimed invention “initiat[es] an application transaction based on a banking transaction.” Since the session controller of Zeanah et al. only instantiates the session component 132, and this is done prior to a customer even being identified, the session controller does not instantiate the session component or any other component based on a banking transaction. As a result, Applicant respectfully submits that the session controller of Zeanah et al. fails to suggest the main module of the claimed invention.

C. SYSTEM PROCESSING FUNCTIONS

With regard to claim 32, the Office interpreted the phrase “each computer” as referring to “the plurality of terminals” rather than the “at least one computer” feature of the claimed invention. Applicant has herein amended the claim to further clarify the reference. In light of the incorrect interpretation of the claim language, the rejection of this feature of the claimed invention is moot. As a result, Applicant respectfully requests reconsideration of this feature of the claimed invention.

D. CENTERCUT CONTROL MODULE AND ONLINE REPORT MODULE

With regard to claims 26-27 and 33-34, the Office alleges that the functionality provided by these modules "are inherent in banking." Applicant respectfully submits that even if the Office shows that the functionality provided by these modules is known, the Office does not make a *prima facie* showing that providing the functionality in modules that are incorporated into a larger system is known. In particular, the combination of these modules and the various modules in the corresponding independent claims is not known in the art, nor is it suggested by previous implementations that performed similar functions. The claimed invention provides a unique division of functions that allows for increased usability and portability for the various modules. This benefit is not suggested by a mere showing that the functionality was previously known. With further regard to the online report module, this module "provid[es] an interface between the terminals and a report generator." However, the Office appears to misinterpret the claimed feature in discussing report generation in general. As a result, Applicant respectfully requests withdrawal of these rejections.

IV. REJECTION OF CLAIMS 21, 23, AND 38 UNDER 35 U.S.C. § 103(a)

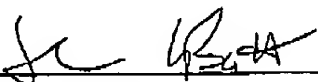
In the Office Action, claims 21, 23, and 38 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zeanah et al. in view of Freund and further in view of Korth et al. Applicant herein incorporates the various arguments presented above in section III. In light of these arguments, Applicant respectfully requests withdrawal of this rejection.

V. CONCLUSION

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Date: 4/28/03
Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)



John W. LaBatt
Reg. No.: 48,301